

# Exhibit A

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ZOHO CORPORATION, )  
)  
Plaintiff, )  
)  
VS. ) CIVIL ACTION NO.  
) 1:22-CV-00037  
LIBERTY PEAK VENTURES, LLC, )  
)  
Defendant. )  
)

REMOTELY CONDUCTED VIDEOTAPED DEPOSITION OF  
JOSÉ LUIS MELÉNDEZ, PH.D.  
Mayagüez, Puerto Rico  
Monday, February 20, 2023

Reported via webconference by:

LYDIA ZINN  
RPR, FCRR, CSR No. 9223  
Job No. SF 5771887  
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| <p>1 UNITED STATES DISTRICT COURT<br/>2 FOR THE WESTERN DISTRICT OF TEXAS<br/>3 AUSTIN DIVISION<br/>4 Zoho CORPORATION, )<br/>5 )<br/>6 Plaintiff, )<br/>7 )<br/>8 VS. ) CIVIL ACTION NO.<br/>9 ) 1:22-CV-00037<br/>10 LIBERTY PEAK VENTURES, LLC, )<br/>11 )<br/>12 Defendant. )<br/>13 )<br/>14 )<br/>15 Remotely conducted videotaped deposition<br/>16 of JOSÉ LUIS MELÉNDEZ, PH.D., taken on behalf of<br/>17 Plaintiff, at Mayagüez, Puerto Rico, beginning at<br/>18 12:02 p.m. and ending at 4:42 p.m., on Monday,<br/>19 February 20, 2023, before LYDIA ZINN, Certified<br/>20 Shorthand Reporter No. 9223.<br/>21<br/>22<br/>23<br/>24<br/>25</p>   | <p>1 I N D E X<br/>2 Monday, February 20, 2023<br/>3<br/>4 WITNESS PAGE<br/>5 JOSÉ LUIS MELÉNDEZ, PH.D. 6<br/>(SWORN)<br/>6 Examination by Mr. Marton 6<br/>7 EXHIBITS MARKED FOR IDENTIFICATION PAGE<br/>8 EXHIBIT 1 Expert Declaration of<br/>Dr. José Luis Meléndez<br/>Regarding Claim Construction 11<br/>9<br/>10 EXHIBIT 3 US Patent No. 9,373,122 17<br/>11 EXHIBIT 4 US Patent No. 10,074,088 33<br/>12 EXHIBIT 5 US Patent No. 10,956,901 33<br/>13 EXHIBIT 6 Office Action Response from<br/>the prosecution of the '122<br/>Patent 128<br/>14 EXHIBIT 10 Original Claims when the '122<br/>Patent was first filed 147<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  |
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| <p>1 APPEARANCES (via webconference):<br/>2 For Plaintiff Zoho Corporation:<br/>Marton Ribera Schumann Chang<br/>3 548 Market Street<br/>Suite 36117<br/>4 San Francisco, CA 94104<br/>(415) 360-2515<br/>5 ryan@martonribara.com<br/>phaack@martonribara.com<br/>6 BY: RYAN MARTON<br/>PHILLIP HAACK<br/>7<br/>8 For Defendant Liberty Peak Ventures, LLC:<br/>Platt Cheema &amp; Richmond PLLC<br/>1201 North Riverfront Boulevard<br/>9 Suite 150<br/>Dallas, TX 75207<br/>10 (514) 559-2700<br/>macosta@pcrfirm.com<br/>11 BY: MATTHEW C. ACOSTA<br/>12<br/>13 Also Present:<br/>Kevin Del Cid, Videographer<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> | <p>1 Mayagüez, Puerto Rico<br/>2 Monday, February 20, 2023, 12:02 p.m.<br/>3 THE VIDEOGRAPHER: Good morning, everybody.<br/>4 We're going on the record today at 11:03 a.m. [sic].<br/>5 Today's date is February 20, 2023. 12:02:48<br/>6 Please note that the microphones are sensitive and<br/>7 may pick up any whispering and private conversations.<br/>8 Please mute your phones at this time.<br/>9 Audio and video recording will continue to take<br/>10 place unless all parties agree to go off the record. 12:03:07<br/>11 This is Media Unit Number 1 in the video-recorded<br/>12 deposition of Jose Melendez taken by counsel for<br/>13 plaintiff in the matter of Zoho Corporation versus<br/>14 Liberty Peak Values [sic] LLC [sic]. This case is<br/>15 filed in the United States District Court for the 12:03:23<br/>16 Western District of Texas, Austin Division. The Civil<br/>17 Action Number is 1:22-cv-37. This deposition is being<br/>18 conducted remotely using virtual technology.<br/>19 My name is Kevin Del Cid, representing Veritext.<br/>20 I'm the videographer. The court reporter today is 12:03:42<br/>21 Lydia Zinn, representing Veritext as well. I'm not<br/>22 related to any party in this action, nor am I<br/>23 financially interested in the outcome.<br/>24 If there are any objections to the proceeding,<br/>25 please state them at the time of your appearance. 12:03:56</p> |
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| <p>1 THE WITNESS: I only reviewed the Provisional 12:35:18</p> <p>2 Application to the extent it was within the File</p> <p>3 History, and relevant to the claim terms that I opined</p> <p>4 on.</p> <p>5 BY MR. MARTON: 12:35:32</p> <p>6 Q. Okay. Do you know if the Provisional Application</p> <p>7 includes a written description sufficient to support</p> <p>8 the claims of the Asserted Patents?</p> <p>9 MR. ACOSTA: Objection. Scope.</p> <p>10 THE WITNESS: That wasn't something I was 12:35:44</p> <p>11 asked to look at.</p> <p>12 BY MR. MARTON:</p> <p>13 Q. Okay. So you don't know?</p> <p>14 MR. ACOSTA: Objection. Form.</p> <p>15 THE WITNESS: I -- I -- I have no opinion on 12:35:52</p> <p>16 that.</p> <p>17 BY MR. MARTON:</p> <p>18 Q. Okay. So regarding the Asserted Patents in this</p> <p>19 case, you have testified that you've reviewed them</p> <p>20 carefully. Is that correct? 12:36:15</p> <p>21 A. I -- I reviewed them carefully enough to support</p> <p>22 the opinions on the terms that I've opined on.</p> <p>23 Q. Do you -- having -- having read the patents, do</p> <p>24 you have a good understanding of what the inventors</p> <p>25 invented, as reflected in those patents? 12:36:32</p> <p style="text-align: right;">Page 26</p>   | <p>1 perceive to be the scope are the same; and those are 12:37:47</p> <p>2 laid out by the exact claim language in the claims.</p> <p>3 BY MR. MARTON:</p> <p>4 Q. Okay. Looking back at Exhibit 3, which is the</p> <p>5 '122 Patent, can you -- can you look at that again? 12:38:07</p> <p>6 A. Yes. It's open again.</p> <p>7 Q. Great.</p> <p>8 Did you read the section that begins in Column 1</p> <p>9 and ends in Column 2 titled "Background of the</p> <p>10 Invention"? 12:38:27</p> <p>11 A. I'm sure I would have read it. Yes.</p> <p>12 Q. And this section refers to prior art systems.</p> <p>13 Correct?</p> <p>14 A. I don't know offhand what the section refers to.</p> <p>15 I'd have to read it. Again, it's been a -- it's been a 12:38:49</p> <p>16 little while. Usually it does and it's entitled</p> <p>17 "related art."</p> <p>18 Q. Right.</p> <p>19 Does this background section define the problem</p> <p>20 that the invention is directed at solving? 12:39:05</p> <p>21 MR. ACOSTA: Objection. Form.</p> <p>22 THE WITNESS: I don't know that it defines</p> <p>23 it; but normally these sections I find to be useful in</p> <p>24 describing the art and technology that -- that relates</p> <p>25 to the -- that -- to the area that the patent's 12:39:27</p> <p style="text-align: right;">Page 28</p>                             |
| <p>1 MR. ACOSTA: Objection. Form. 12:36:35</p> <p>2 THE WITNESS: I'd say I have a good</p> <p>3 understanding of what they invented, as laid out in the</p> <p>4 scope of the claims.</p> <p>5 BY MR. MARTON: 12:36:46</p> <p>6 Q. Okay. Can you describe in your own words what the</p> <p>7 inventors invented?</p> <p>8 A. No, I can't. That would be too difficult. That's</p> <p>9 why the claim words are there.</p> <p>10 Q. Do you have anything to say about the nature of 12:37:05</p> <p>11 the invention in your own words?</p> <p>12 MR. ACOSTA: Objection. Vague. Objection.</p> <p>13 Form.</p> <p>14 THE WITNESS: Not beyond what I've -- I've</p> <p>15 included in my report. 12:37:16</p> <p>16 BY MR. MARTON:</p> <p>17 Q. I mean, your report doesn't define the invention,</p> <p>18 so I -- it's just -- you're hired as an expert in this</p> <p>19 case. And -- and I just wanted to hear your own</p> <p>20 articulation of what you perceive to be the invention 12:37:28</p> <p>21 covered by the three Asserted Patents.</p> <p>22 A. I appreciate --</p> <p>23 MR. ACOSTA: Objection.</p> <p>24 THE WITNESS: My understanding as an expert</p> <p>25 is that what is actually the scope and what I should 12:37:43</p> <p style="text-align: right;">Page 27</p> | <p>1 involved with. 12:39:32</p> <p>2 BY MR. MARTON:</p> <p>3 Q. Do you know what the Asserted Patents -- what</p> <p>4 problem the Asserted Patents are directed at solving?</p> <p>5 MR. ACOSTA: Objection. Form. 12:39:45</p> <p>6 THE WITNESS: Well, I know that they're, like</p> <p>7 we read earlier, related to securely processing</p> <p>8 customer account data.</p> <p>9 BY MR. MARTON:</p> <p>10 Q. Well, what are they securing the customer account 12:40:02</p> <p>11 data against?</p> <p>12 A. Well, that -- that would be laid out specifically</p> <p>13 in the claims. Do you want me to look at the claims?</p> <p>14 Q. Not yet. Not yet.</p> <p>15 I'm going to walk you through some portions of -- 12:40:27</p> <p>16 of this background section, and see if I can refresh</p> <p>17 your recollection about the problem that these patents</p> <p>18 purport to solve. Okay?</p> <p>19 A. It's -- I'm not sure what the question was. I</p> <p>20 think you said you're going to read some things, and if 12:40:49</p> <p>21 that's what you're going to do, then that's fine with</p> <p>22 me.</p> <p>23 Q. Okay. So you can see in Exhibit 3, which is the</p> <p>24 '122 Patent, at Column 1, around line 21, it says:</p> <p>25 "The proliferation of rogue programs, such as viruses, 12:41:12</p> <p style="text-align: right;">Page 29</p> |

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| <p>1 patent claim is -- is likely to give you an accurate 12:53:33</p> <p>2 answer, so, no, I -- I don't have words beyond what's</p> <p>3 in the claims.</p> <p>4 BY MR. MARTON:</p> <p>5 Q. Okay. Well, let's take a look at the claims. 12:53:42</p> <p>6 Can you look at Claim 1 of the '122 Patent, which</p> <p>7 is at Column 10 of Exhibit 3?</p> <p>8 A. I have it open in front of me.</p> <p>9 Q. Take a look at the second-to-last element of this</p> <p>10 claimed method. Can you do that? 12:54:17</p> <p>11 A. Second-to-last element.</p> <p>12 I believe you mean the securely storing the</p> <p>13 account information at the browser toolbar?</p> <p>14 Q. Yes.</p> <p>15 A. Okay. Yes, I'm there. 12:54:32</p> <p>16 Q. So we can agree that Claim 1 is a method.</p> <p>17 Correct?</p> <p>18 A. Claim 1 of the '122 is a method claim, yes.</p> <p>19 Q. Okay. And one of the method steps is that account</p> <p>20 information be securely stored at the browser toolbar. 12:54:54</p> <p>21 Can we agree with that?</p> <p>22 A. No. I'm not sure. Changing words around usually</p> <p>23 results in changing meanings.</p> <p>24 We can agree that one of the method steps is</p> <p>25 securely storing the account information at the browser 12:55:09</p> <p style="text-align: right;">Page 38</p> | <p>1 MR. ACOSTA: Objection to form. 12:56:59</p> <p>2 THE WITNESS: It could, depending upon how</p> <p>3 it's stored.</p> <p>4 BY MR. MARTON:</p> <p>5 Q. How? Tell me more about that. What do you mean, 12:57:09</p> <p>6 "depending on how it's stored." Depending on what?</p> <p>7 MR. ACOSTA: Objection. Form.</p> <p>8 THE WITNESS: Well, for example, if it were</p> <p>9 stored in a nonencrypted form with a Web link that was</p> <p>10 published to it, that that wouldn't be very secure. 12:57:24</p> <p>11 BY MR. MARTON:</p> <p>12 Q. Right. So that would not be secure storing. I'm</p> <p>13 going to come back to that.</p> <p>14 Actually, let me ask you a question. If it's --</p> <p>15 if it's stored to RAM in an unencrypted form, is it 12:57:42</p> <p>16 securely stored?</p> <p>17 MR. ACOSTA: Objection. Form. Objection.</p> <p>18 Scope.</p> <p>19 THE WITNESS: It's not something I looked at;</p> <p>20 but it certainly could be, depending upon what else was 12:57:53</p> <p>21 going on.</p> <p>22 BY MR. MARTON:</p> <p>23 Q. What else do you need to know?</p> <p>24 A. Well --</p> <p>25 MR. ACOSTA: Objection. Form. Objection. 12:58:10</p> <p style="text-align: right;">Page 40</p>  |
| <p>1 toolbar. 12:55:13</p> <p>2 Q. Okay. So how would a person of ordinary skill in</p> <p>3 the art determine if account information is securely</p> <p>4 stored, such that it meets this claim requirement?</p> <p>5 A. Is -- your question is how would a person of 12:55:43</p> <p>6 ordinary skill in the art -- how would they determine</p> <p>7 if this limitation is met?</p> <p>8 Q. Correct.</p> <p>9 MR. ACOSTA: Objection. Form.</p> <p>10 THE WITNESS: Well -- well, they would need 12:55:55</p> <p>11 to look at -- and you're saying in -- in some product</p> <p>12 or what -- where?</p> <p>13 BY MR. MARTON:</p> <p>14 Q. Sure. In a -- in a process.</p> <p>15 A. Okay. 12:56:05</p> <p>16 So you would need to look at whether or not there</p> <p>17 is a step of securely storing, and that step of</p> <p>18 securely storing is of some account information, and</p> <p>19 that's done at the browser toolbar, as opposed to -- to</p> <p>20 somewhere else in the system. 12:56:27</p> <p>21 Q. So how do you determine if the act of storing is</p> <p>22 done securely?</p> <p>23 A. Well, you would look at the implementation, and</p> <p>24 see if it's done securely or not.</p> <p>25 Q. Is storing data to RAM securely? 12:56:53</p> <p style="text-align: right;">Page 39</p>                   | <p>1 Scope. 12:58:12</p> <p>2 THE WITNESS: I could hide a coin under a</p> <p>3 rock, on a beach. Or I can hide a coin under a rock on</p> <p>4 a beach, and let you know where the beach is and where</p> <p>5 the rock is; give you some coordinates, so... 12:58:24</p> <p>6 BY MR. MARTON:</p> <p>7 Q. I like your coin on a beach under a rock</p> <p>8 comparison. And we may actually end up using that.</p> <p>9 I'm going to come back to the RAM issue later.</p> <p>10 First, I want to ask you, with respect to this 12:58:51</p> <p>11 claim element -- securely storing account information</p> <p>12 at the browser toolbar -- does the account information</p> <p>13 need to be secure against something in particular, in</p> <p>14 order to be deemed securely stored?</p> <p>15 MR. ACOSTA: Objection. Form. 12:59:12</p> <p>16 THE WITNESS: I -- I don't think the claim is</p> <p>17 laying out that.</p> <p>18 It just says "securely stored." For this</p> <p>19 particular limitation, it's just securely storing the</p> <p>20 account information at the browser toolbar. 12:59:25</p> <p>21 BY MR. MARTON:</p> <p>22 Q. Well, secure against what?</p> <p>23 MR. ACOSTA: Objection. Form.</p> <p>24 BY MR. MARTON:</p> <p>25 Q. To determine if something is secure, don't you 12:59:40</p> <p style="text-align: right;">Page 41</p> |

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| <p>1 need to know what it is secure against? 12:59:42</p> <p>2 MR. ACOSTA: Objection. Form.</p> <p>3 THE WITNESS: I thought we described that,</p> <p>4 actually, previously, in terms of some examples of --</p> <p>5 of that. 12:59:56</p> <p>6 BY MR. MARTON:</p> <p>7 Q. Okay. So we did talk about security -- securely</p> <p>8 storing against viruses, Trojan horses, and computer</p> <p>9 hackers. Is that what you're referring to?</p> <p>10 A. Well, you had talked about that. 13:00:13</p> <p>11 I -- I just said inappropriately accessing. Those</p> <p>12 were some examples that were given of how one might</p> <p>13 inappropriately access it.</p> <p>14 Obviously, you want the data to be accessed by</p> <p>15 who's -- who's supposed to have access to it. 13:00:34</p> <p>16 Q. I'm not sure I understand.</p> <p>17 So in order to determine if information is secure,</p> <p>18 as required by the claim, do you -- don't you need to</p> <p>19 know what it is secure against?</p> <p>20 MR. ACOSTA: Objection. Form. 13:00:58</p> <p>21 THE WITNESS: I think you're -- you're</p> <p>22 misreading the claim limitation, so --</p> <p>23 And I asked you that -- a little bit earlier,</p> <p>24 because you paraphrased the claim limitation.</p> <p>25 But the claim limitation is not what you just 13:01:09</p> <p style="text-align: right;">Page 42</p>        | <p>1 A. I looked at it in the context of the claim 13:02:48</p> <p>2 construction; not in terms of applying it to -- to a</p> <p>3 hypothetical product.</p> <p>4 Q. Okay. But you understand what it means to</p> <p>5 securely store account information at the browser 13:03:00</p> <p>6 toolbar, as required by this claim?</p> <p>7 A. I have an understanding that would be consistent</p> <p>8 with a person of ordinary skill in the art.</p> <p>9 Q. Okay. Can you give me an example of securely</p> <p>10 storing account information at the browser toolbar 13:03:18</p> <p>11 that's described in this '122 specification?</p> <p>12 MR. ACOSTA: Objection. Form.</p> <p>13 THE WITNESS: I think I have two examples in</p> <p>14 my declaration: One related to having it there in</p> <p>15 encrypted form, when encryption is obviously a way of 13:03:38</p> <p>16 securing data. And then also in terms of limiting the</p> <p>17 time in which it's -- it's there, or in which it's</p> <p>18 exposed by, you know, the time needed to use it.</p> <p>19 BY MR. MARTON:</p> <p>20 Q. Where in your declaration are you pointing to? 13:03:57</p> <p>21 A. I'm not pointing.</p> <p>22 This is just based on my recollection.</p> <p>23 Do you want me to --</p> <p>24 Q. Yes. Please direct me to that. I -- I -- I</p> <p>25 believe it's in paragraph 33. Is that correct? 13:04:10</p> <p style="text-align: right;">Page 44</p> |
| <p>1 said; it's securely storing the account information at 13:01:11</p> <p>2 the browser toolbar.</p> <p>3 BY MR. MARTON:</p> <p>4 Q. So if you securely store something, it's securely</p> <p>5 stored. Correct? 13:01:22</p> <p>6 A. Not necessarily forever. So I -- I guess it would</p> <p>7 depend. Here in this -- sorry. Here, there's another</p> <p>8 limitation after this, which is related to removing the</p> <p>9 stored account information, so it -- that at least puts</p> <p>10 a bound on -- on it being stored, I suppose, until it's 13:01:56</p> <p>11 removed.</p> <p>12 Q. Okay. So let's go with that.</p> <p>13 So it would be securely stored until it's</p> <p>14 removed -- is that correct? -- for this claim?</p> <p>15 A. I guess that's not strictly speaking -- that's not 13:02:22</p> <p>16 something I looked at, so I'm -- everything I've said</p> <p>17 for the last ten minutes are things I'm -- I'm just</p> <p>18 looking at, at the fly, and trying to give you some</p> <p>19 response to; but obviously I didn't analyze these</p> <p>20 things. 13:02:39</p> <p>21 BY MR. MARTON:</p> <p>22 Q. Okay. What I'm trying to understand -- and you --</p> <p>23 you did look at the claim element: securely storing</p> <p>24 the account information at the browser toolbar.</p> <p>25 Correct? 13:02:47</p> <p style="text-align: right;">Page 43</p> | <p>1 A. Working my way to paragraph 33. 13:04:36</p> <p>2 Q. Of Exhibit 1?</p> <p>3 A. Of Exhibit 1. Let me read it. Yeah. In fact, I</p> <p>4 say there it's an additional example, which suggests</p> <p>5 that there's a prior example before 33. 13:05:03</p> <p>6 Q. Okay. So what's the example in paragraph 33 of</p> <p>7 securely storing?</p> <p>8 A. Limiting the amount of time the information is</p> <p>9 maintained.</p> <p>10 Q. So that's the removal of the stored account 13:05:18</p> <p>11 information from the toolbar after completion of the</p> <p>12 transaction? Is that correct?</p> <p>13 MR. ACOSTA: Objection. Form.</p> <p>14 THE WITNESS: I don't know about completion</p> <p>15 of the transaction. 13:05:28</p> <p>16 I have to go back to look at the claim. I don't</p> <p>17 recall it saying that. Do you want me to go back and</p> <p>18 look at that?</p> <p>19 BY MR. MARTON:</p> <p>20 Q. Claim 1 does say that -- of the '122 Patent. 13:05:41</p> <p>21 A. I just don't recall that, so let me look at that,</p> <p>22 if that's okay. I'm pulling it back up. I just don't</p> <p>23 recall the -- the precise wording. "Removing the</p> <p>24 stored account information from the browser toolbar</p> <p>25 after completion of the transaction." 13:06:03</p> <p style="text-align: right;">Page 45</p>   |

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| <p>1 So if that's what you said, then yes. 13:06:06</p> <p>2 Q. That is.</p> <p>3 A. That would be an example of that.</p> <p>4 Q. Okay. So you're -- you're telling me that an</p> <p>5 example of securely storing is storing for a limited 13:06:13</p> <p>6 amount of time, wherein it's deleted after use? Is</p> <p>7 that correct?</p> <p>8 MR. ACOSTA: Objection. Form.</p> <p>9 THE WITNESS: That's one that's -- yeah. I</p> <p>10 think that's fair. 13:06:34</p> <p>11 BY MR. MARTON:</p> <p>12 Q. So that's one example, according to you, of</p> <p>13 securely storing account information at the browser</p> <p>14 toolbar?</p> <p>15 A. Well, I think it's according to the patent, 13:06:48</p> <p>16 actually, because it's -- I think one of the dependent</p> <p>17 claims says that. If we go back in that same paragraph</p> <p>18 that we were looking at, you'll see there's a citation</p> <p>19 there.</p> <p>20 Q. Lines 6 and 16 of the '901 Patent? 13:07:08</p> <p>21 A. That's what it says there.</p> <p>22 Q. And Claim 3 of the '088 Patent? Is that correct</p> <p>23 that's what it says?</p> <p>24 A. That's -- those are the references there.</p> <p>25 I'd have to go back to those patents and claims to 13:07:32</p> <p style="text-align: right;">Page 46</p>   | <p>1 section? 13:10:02</p> <p>2 Q. Yes, please.</p> <p>3 A. Okay. It says: "This is consistent with the</p> <p>4 specification describing a browser and receiving data</p> <p>5 that is then 'transmitted to the browser toolbar.'" 13:10:09</p> <p>6 "Also, the term 'e-wallet,' one method of secure</p> <p>7 storage, is explicitly described as the storage</p> <p>8 extension of the toolbar software program."</p> <p>9 And so that's referenced in the patent, for</p> <p>10 example, '122, at 4:14. 13:10:29</p> <p>11 Q. So can you explain to me what you meant here by --</p> <p>12 how is this an example of securely storing account</p> <p>13 information at the browser toolbar?</p> <p>14 A. Well, because we know that patent discloses one of</p> <p>15 the Preferred Embodiments as having the e-wallet as 13:10:53</p> <p>16 part of the toolbar, and so we can see here that an</p> <p>17 e-wallet is a secure -- is a method of secure storage.</p> <p>18 Q. What is secure about an e-wallet?</p> <p>19 MR. ACOSTA: Objection. Form.</p> <p>20 THE WITNESS: That's the whole purpose of an 13:11:19</p> <p>21 e-wallet, is it provides secure storage.</p> <p>22 There's different ways that would be known by a</p> <p>23 person of ordinary skill in the art in terms of how to</p> <p>24 do that.</p> <p>25</p> <p style="text-align: right;">Page 48</p> |
| <p>1 confirm the citation if that's what you want. 13:07:34</p> <p>2 Q. No, I don't need you to confirm it.</p> <p>3 That's what you wrote in your declaration?</p> <p>4 A. Yes.</p> <p>5 Q. And presumably you're accurate in your 13:07:41</p> <p>6 declaration. Is that correct?</p> <p>7 A. I hope so. I -- everybody makes mistakes, but I --</p> <p>8 I try to be careful.</p> <p>9 Q. So, other than deleting account information after</p> <p>10 use as an example of securely storing account 13:07:55</p> <p>11 information, are there any other examples of securely</p> <p>12 storing account information at a browser toolbar</p> <p>13 reflected in the Asserted Patents?</p> <p>14 A. Yes. I'm sure there are.</p> <p>15 I think I highlighted an additional example in my 13:08:13</p> <p>16 declaration.</p> <p>17 Q. And where is that?</p> <p>18 A. Well, when we were reading 33, it said the</p> <p>19 dependent claim provides additional examples; so I'm</p> <p>20 guessing it must be somewhere in that same section -- 13:08:31</p> <p>21 Q. Okay. Why don't you go ahead and find that and --</p> <p>22 and point it out to me.</p> <p>23 A. Okay. There may be more than one additional</p> <p>24 example, but I have at least one additional example in</p> <p>25 paragraph 26. Do you want me to read the relevant 13:09:53</p> <p style="text-align: right;">Page 47</p> | <p>1 BY MR. MARTON: 13:11:33</p> <p>2 Q. Okay. Now, does the patent -- the Asserted</p> <p>3 Patents -- and let's refer to the '122, just for</p> <p>4 ease -- does it describe or define what an e-wallet is?</p> <p>5 A. It describes what -- at least describes an 13:11:51</p> <p>6 e-wallet. That would certainly be something that would</p> <p>7 be known by a person of ordinary skill in the art in</p> <p>8 the 2008 time frame.</p> <p>9 Q. Okay. If you could take a look at Exhibit 3,</p> <p>10 which is the '122 Patent, at Column 3, line 63. 13:12:08</p> <p>11 A. I'm there.</p> <p>12 Q. It says -- I'm going to read it -- "An e-wallet,</p> <p>13 as used herein, refers to any data storage</p> <p>14 implementation which allows data associated with a</p> <p>15 customer to be stored and used to make electronic" -- 13:12:47</p> <p>16 "electronic commerce transactions."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Do you read that as a definition of an e-wallet</p> <p>20 for this patent? 13:12:57</p> <p>21 A. I wouldn't say it's a -- a definition. But</p> <p>22 it's -- it's a description of what they intend to mean</p> <p>23 when they say it.</p> <p>24 Q. Why -- why is it not a definition?</p> <p>25 A. Well, because it's -- it says it refers to that. 13:13:14</p> <p style="text-align: right;">Page 49</p>       |



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| <p>1 question now? Now I have it in front of me. 13:19:22</p> <p>2 BY MR. MARTON:</p> <p>3 Q. Could storage of account information in RAM meet</p> <p>4 the requirement of Claim 1 of securely storing the</p> <p>5 account information at the browser toolbar? 13:19:37</p> <p>6 (Cross talk.)</p> <p>7 MR. ACOSTA: Objection. Objection. Scope.</p> <p>8 THE WITNESS: Yeah. That limitation could be</p> <p>9 met, dependent, again, on how it's stored within the --</p> <p>10 the RAM -- 13:19:50</p> <p>11 BY MR. MARTON:</p> <p>12 Q. Okay.</p> <p>13 A. -- the browser toolbar.</p> <p>14 Q. And -- when you say depending on how it's stored,</p> <p>15 can you tell me what you mean by that? 13:19:58</p> <p>16 A. Sure. Well, I gave you an example of, you know,</p> <p>17 not -- not having it encrypted, and providing a --</p> <p>18 publishing a -- a publicly available URL to it. So</p> <p>19 that -- that was one example.</p> <p>20 Q. Okay. Let me stop you at that example. 13:20:17</p> <p>21 If it's not encrypted, and it's stored in RAM, but</p> <p>22 you don't share a publicly available URL, is that</p> <p>23 securely storing per the requirement of the</p> <p>24 '122 Patent?</p> <p>25 MR. ACOSTA: Objection. Form. Objection. 13:20:34</p> <p style="text-align: right;">Page 54</p>  | <p>1 THE WITNESS: I think that without knowing 13:21:47</p> <p>2 anything else -- I mean, obviously, running programs</p> <p>3 are always storing things in RAM, so... and not</p> <p>4 everything is secure.</p> <p>5 So, yeah, I would -- I would need to -- to, you 13:21:58</p> <p>6 know, see if that RAM, for example, was only accessible</p> <p>7 by the toolbar, then obviously that -- that would be</p> <p>8 secure.</p> <p>9 If it was accessible openly, then -- then that</p> <p>10 wouldn't be securely storing unless you had another 13:22:16</p> <p>11 mechanism. You know, basically a person of ordinary</p> <p>12 skill in the art understands that there's a lot of -- a</p> <p>13 lot of -- of a lot of different ways of securely</p> <p>14 storing. And this is just one of the limitations,</p> <p>15 obviously, here so... 13:22:34</p> <p>16 BY MR. MARTON:</p> <p>17 Q. Yeah. Well, what does the patent describe as a</p> <p>18 way in which you would securely store account data,</p> <p>19 other than putting it in an e-wallet, and other than</p> <p>20 removing it -- removing the account data from the 13:22:51</p> <p>21 browser toolbar after use?</p> <p>22 MR. ACOSTA: Objection to form.</p> <p>23 THE WITNESS: Well, other secure storage</p> <p>24 within the toolbar.</p> <p>25</p> <p style="text-align: right;">Page 56</p>   |
| <p>1 Scope. 13:20:35</p> <p>2 THE WITNESS: I would have to look at, you</p> <p>3 know, a system to say that completely; but I would say</p> <p>4 that it certainly could meet this limitation.</p> <p>5 BY MR. MARTON: 13:20:45</p> <p>6 Q. What would you have to look at in the system to</p> <p>7 make that determination?</p> <p>8 A. To see -- I would have to see if there was some --</p> <p>9 you know, some other place where it was stored in the</p> <p>10 RAM that was obviously not secure; you know, like in a 13:21:01</p> <p>11 cookie or, you know, searchable cache; something like</p> <p>12 that.</p> <p>13 BY MR. MARTON:</p> <p>14 Q. If it wasn't in a searchable cache or cookie, but</p> <p>15 it was stored in RAM, would it be securely stored? 13:21:23</p> <p>16 MR. ACOSTA: Objection. Form.</p> <p>17 THE WITNESS: I was just giving you some</p> <p>18 examples. This isn't something I looked at for my --</p> <p>19 my report.</p> <p>20 BY MR. MARTON: 13:21:35</p> <p>21 Q. Just merely storing something in RAM without</p> <p>22 knowing anything else, you would not know whether or</p> <p>23 not that would be securely storing, according to the</p> <p>24 patent. Is that correct?</p> <p>25 MR. ACOSTA: Objection. Form. 13:21:44</p> <p style="text-align: right;">Page 55</p> | <p>1 BY MR. MARTON: 13:23:05</p> <p>2 Q. What other secure storage is described in the</p> <p>3 patent?</p> <p>4 A. I think we just looked at that section. I'd have</p> <p>5 to look at the whole patent if -- if there was other 13:23:15</p> <p>6 annotations; but at least in the 14:60 -- I think it</p> <p>7 was. Can I go into that to see or...</p> <p>8 Q. What's the 14:60?</p> <p>9 A. I thought that was the section. I'm going off of</p> <p>10 memory here, but -- because we're jumping around the 13:23:31</p> <p>11 references. But in my report, it was the second</p> <p>12 example that I gave you. I think there were three</p> <p>13 examples in my report.</p> <p>14 Q. I only heard two examples.</p> <p>15 And I don't know what 14:60 refers to. I heard 13:23:47</p> <p>16 two examples. Let me go through them.</p> <p>17 One was storing in an e-wallet as an example of</p> <p>18 securely storing at the browser toolbar. Correct?</p> <p>19 A. I'd have to go back and look. I know that I was</p> <p>20 going through the section, and I ran into that example, 13:24:05</p> <p>21 which wasn't the one I was actually looking for; but</p> <p>22 I -- I mentioned there's -- that this would be another</p> <p>23 example, but that there was probably a third example.</p> <p>24 Q. Okay. Lets go -- let's get ordered here.</p> <p>25 Let's -- let's just really quickly get ordered here. 13:24:20</p> <p style="text-align: right;">Page 57</p> |



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| <p>1 So in paragraph 26 of your declaration, you 13:24:23</p> <p>2 pointed to -- or you -- you've testified that</p> <p>3 paragraph 26 of your declaration identifies one example</p> <p>4 of securely storing account information as securely</p> <p>5 storing account information in an e-wallet. Is that 13:24:38</p> <p>6 correct?</p> <p>7 A. So what's happening -- when you ask -- when you're</p> <p>8 bouncing back and forth between the exhibits, I'm</p> <p>9 switching in my Exhibit Share here. And I go to that</p> <p>10 exhibit. 13:24:52</p> <p>11 But basically I have to find still where you are,</p> <p>12 because it sends me to the -- the beginning.</p> <p>13 So right now I'm just trying to find where you</p> <p>14 told me to go to.</p> <p>15 Q. Paragraph 26 of your declaration, which is 13:25:06</p> <p>16 Exhibit 1.</p> <p>17 A. Okay. So I'm in there, at 26. And this was the</p> <p>18 one example that -- that second example that I found</p> <p>19 when I was looking for -- what in order of the reports,</p> <p>20 the first example, which would be the third example 13:25:24</p> <p>21 that we haven't talked about yet.</p> <p>22 Q. Okay. So let's try and -- try and be clear here.</p> <p>23 So one example is here in paragraph 26. According</p> <p>24 to you, the patent describes storing in an e-wallet as</p> <p>25 an example of securely storing account information at 13:25:45</p> <p style="text-align: right;">Page 58</p> | <p>1 explicitly described as the external extension of the 13:27:13</p> <p>2 toolbar software program."</p> <p>3 Well, and it was 4:14. Sorry. Not -- I had</p> <p>4 guessed 4:60. But I was wrong.</p> <p>5 Q. What are you referring to: 4:14? 13:27:27</p> <p>6 A. Of the '122. It says the '122 Patent at 4:14.</p> <p>7 Q. Right. So how is this different than what you</p> <p>8 previous -- previously pointed to?</p> <p>9 So you had said that, as an example of securely</p> <p>10 storing account information at a browser toolbar is -- 13:27:51</p> <p>11 is storing the account information in an e-wallet.</p> <p>12 Is this somehow different than that?</p> <p>13 A. Yes. So I think what may be confusing you is</p> <p>14 that, where the browser toolbar has a secure storage,</p> <p>15 that's a more general example. Where that secure 13:28:14</p> <p>16 storage is also an e-wallet, that's a more specific</p> <p>17 example.</p> <p>18 So we were focused on the e-wallet, but if you</p> <p>19 look here, what it's talking about more generally is</p> <p>20 secure storage. 13:28:30</p> <p>21 Q. I'm confused.</p> <p>22 So you're telling me there is storage at the</p> <p>23 browser toolbar, and then there's, separate, an</p> <p>24 e-wallet storage; and those are two different secure</p> <p>25 storage methods? Is that what you're telling me? 13:28:49</p> <p style="text-align: right;">Page 60</p> |
| <p>1 the browser toolbar. Is that correct? 13:25:48</p> <p>2 A. Well, e-wallet is one example of securely -- of</p> <p>3 secure storage.</p> <p>4 Q. Now, you also directed our attention to</p> <p>5 paragraph 33 of your declaration, where you said as 13:26:07</p> <p>6 another example of securely storing account information</p> <p>7 at a browser toolbar, the data is stored for a limited</p> <p>8 time, wherein it's deleted from the browser toolbar,</p> <p>9 for example, after use.</p> <p>10 Is that correct? 13:26:26</p> <p>11 A. I remember discussing that, yes.</p> <p>12 Q. Okay. So those are two examples, according to</p> <p>13 you, of securely storing.</p> <p>14 Can you give me another example of securely</p> <p>15 storing account information at the browser toolbar? 13:26:38</p> <p>16 A. Yes. Just using a secure storage, that would be</p> <p>17 part of the -- the browser toolbar. And that's --</p> <p>18 (Cross talk.)</p> <p>19 BY MR. MARTON:</p> <p>20 Q. Sorry. I don't mean to cut you off. Go ahead. 13:26:55</p> <p>21 Go ahead.</p> <p>22 A. That's also there in 26.</p> <p>23 Q. And what are you pointing to in 26 specifically?</p> <p>24 A. It's the third sentence that says: "Also, the</p> <p>25 term 'e-wallet,' one method of secure storage, is 13:27:09</p> <p style="text-align: right;">Page 59</p>   | <p>1 MR. ACOSTA: Objection. Form. 13:28:52</p> <p>2 THE WITNESS: Well, it says it right there in</p> <p>3 my report, that an e-wallet is one method of secure</p> <p>4 storage.</p> <p>5 BY MR. MARTON: 13:29:00</p> <p>6 Q. Okay.</p> <p>7 A. It's not -- it's not all methods of secure</p> <p>8 storage.</p> <p>9 Q. Right. So I'm trying to identify with you the</p> <p>10 different examples described in the patent of securely 13:29:07</p> <p>11 storing account information at the browser toolbar.</p> <p>12 Now, we talked about what was in paragraph 33 of</p> <p>13 your declaration, which is the deletion of the account</p> <p>14 information after use. Right? So that's one example.</p> <p>15 Right? 13:29:27</p> <p>16 A. We talked about that topic. I don't remember</p> <p>17 exactly all the questions and answers, but we...</p> <p>18 Q. Okay.</p> <p>19 A. We did discuss that one.</p> <p>20 Q. And then, separately, we also talked about storing 13:29:37</p> <p>21 the account information in an e-wallet as another</p> <p>22 example of securely storing account information at the</p> <p>23 browser toolbar. Is that correct?</p> <p>24 A. Correct. Yes.</p> <p>25 Q. And now is there a third example in the patent of 13:29:51</p> <p style="text-align: right;">Page 61</p>   |

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| <p>1 securely storing account information at the browser 13:29:56</p> <p>2 toolbar?</p> <p>3 A. Yes.</p> <p>4 MR. ACOSTA: Objection. Form.</p> <p>5 THE WITNESS: Which is -- again, I'm going to 13:30:04</p> <p>6 refer you back to the same sentence, which is to use a</p> <p>7 secure storage that -- within the toolbar that's not</p> <p>8 an -- not an e-wallet.</p> <p>9 BY MR. MARTON:</p> <p>10 Q. What would the secure storage in the toolbar be 13:30:16</p> <p>11 that is not an e-wallet? Give me an --</p> <p>12 A. Well, for example, a secure portion of the RAM of</p> <p>13 the toolbar.</p> <p>14 Q. And what is a secure portion of RAM?</p> <p>15 A. Well, we talked about that. Basically, RAM is 13:30:39</p> <p>16 just memory. And in the memory you store information.</p> <p>17 And to the extent you store it in a publicly -- in a</p> <p>18 place where everybody knows it's stored, and it's not</p> <p>19 encryption -- not encrypted, then it's obviously not</p> <p>20 secure. 13:31:03</p> <p>21 That was the \$100 coin laying on a public beach.</p> <p>22 But, you know, RAM is massive. And if you put</p> <p>23 something somewhere that no one knows, you know, where</p> <p>24 it is, and you don't keep it there very long, then</p> <p>25 that's -- that's another way of securing. 13:31:22</p> <p style="text-align: right;">Page 62</p> | <p>1 But, you know, it -- the reason it says one method 13:32:56</p> <p>2 of secure storage is an e-wallet isn't all ways of</p> <p>3 securing data within a storage device like a RAM.</p> <p>4 I just gave you the RAM as an example.</p> <p>5 Q. So the RAM is -- is the RAM not an e-wallet? 13:33:16</p> <p>6 MR. ACOSTA: Objection --</p> <p>7 (Cross talk.)</p> <p>8 THE WITNESS: I think we've covered this</p> <p>9 extensively. And I'm not sure -- I mean, your question</p> <p>10 doesn't even make sense. This is where I -- I said 13:33:27</p> <p>11 earlier that, you know, RAM is a semiconductor device,</p> <p>12 that, while operable, allows for storage when</p> <p>13 interfacing with, you know -- as part of a software</p> <p>14 program like the toolbar. You know, it's a toolbar,</p> <p>15 would get allocated RAM; and... 13:33:45</p> <p>16 You know, so your question of whether RAM -- you</p> <p>17 know, out of context, in this hypothetical we've been</p> <p>18 working on for like a half hour, because the claims</p> <p>19 don't actually even talk about RAM... It just doesn't</p> <p>20 make sense. Your question doesn't make sense. 13:34:08</p> <p>21 BY MR. MARTON:</p> <p>22 Q. Does the patent, the '122 Patent, describe</p> <p>23 securely storing account information in RAM?</p> <p>24 A. I don't recall exactly what it says; but it</p> <p>25 provides examples like a toolbar and the e-wallet, 13:34:25</p> <p style="text-align: right;">Page 64</p> |
| <p>1 And then we didn't talk about this example, but, 13:31:25</p> <p>2 you know, if you think about all these beaches in the</p> <p>3 world as -- as RAM, you, you know, could take an added</p> <p>4 step of -- of, you know, putting -- putting that \$100</p> <p>5 coin in a -- in a vault that's somehow cemented to the 13:31:43</p> <p>6 sand. And then that -- you know, that would be secure</p> <p>7 there on the sand.</p> <p>8 BY MR. MARTON:</p> <p>9 Q. I --</p> <p>10 A. -- it was on a public -- on a public beach. 13:32:00</p> <p>11 Q. Okay.</p> <p>12 MR. ACOSTA: Is now a good time for a --</p> <p>13 MR. MARTON: One more minute. One more</p> <p>14 minute.</p> <p>15 Q. So you're saying that RAM associated with the 13:32:15</p> <p>16 browser toolbar is another example of secure storage,</p> <p>17 or could be another example of secure storage, that is</p> <p>18 different from the e-wallet secure storage. Is that</p> <p>19 correct?</p> <p>20 A. Not the way you asked the question. 13:32:34</p> <p>21 E-wallet, as you noted, is described in a certain</p> <p>22 way. You know, it means something to someone; a person</p> <p>23 of ordinary skill in the art.</p> <p>24 And secure storage is something also that means</p> <p>25 something that -- something. 13:32:52</p> <p style="text-align: right;">Page 63</p>                         | <p>1 where one of ordinary skill in the art would understand 13:34:30</p> <p>2 that, you know, an implementation of that on a computer</p> <p>3 would -- would involve RAM.</p> <p>4 Q. Okay. If account information is stored in RAM,</p> <p>5 but it is not secure from viruses, Trojan horses, or 13:34:53</p> <p>6 computer hackers, is that considered securely stored?</p> <p>7 A. I'd need to look at that in context.</p> <p>8 Q. So it might, but it might not be?</p> <p>9 A. Depends on the context.</p> <p>10 MR. ACOSTA: Objection. Form. 13:35:14</p> <p>11 THE WITNESS: If you're talking about in the</p> <p>12 context of the claims, then we'd have to look at the</p> <p>13 rest of the claim language and its notations.</p> <p>14 BY MR. MARTON:</p> <p>15 Q. Okay. I'm -- I'm talking about with respect to 13:35:21</p> <p>16 the claims. So Claim 1 of the '122 Patent -- if</p> <p>17 account information is stored in RAM, but it is exposed</p> <p>18 to a virus, is it securely stored?</p> <p>19 MR. ACOSTA: Objection. Form.</p> <p>20 THE WITNESS: Your hypothetical is -- is -- 13:35:40</p> <p>21 ill-defined.</p> <p>22 BY MR. MARTON:</p> <p>23 Q. In -- in what way?</p> <p>24 A. In -- in almost every way.</p> <p>25 Q. All right. Let me start over. How about this? 13:35:48</p> <p style="text-align: right;">Page 65</p>   |

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| <p>1 We have limited time. 13:35:49</p> <p>2 A. The virus doesn't mean -- I mean, I can give you a</p> <p>3 long list of why it's ill-defined, but I'm trying to be</p> <p>4 helpful here.</p> <p>5 Q. Hold on. 13:35:57</p> <p>6 So we can agree that Claim 1 of the '122 Patent</p> <p>7 requires securely storing account information at the</p> <p>8 browser toolbar.</p> <p>9 A. That is one of the limitations. Yes.</p> <p>10 Q. If account information is received and decrypted 13:36:14</p> <p>11 by the toolbar, and it is stored in -- on disk on the</p> <p>12 client's computer, and it is in RAM for processing, but</p> <p>13 it is exposed to a virus on the client's computer, has</p> <p>14 that data been securely stored --</p> <p>15 MR. ACOSTA: Objection. Form. 13:36:53</p> <p>16 BY MR. MARTON:</p> <p>17 Q. -- as required by Claim 1 of the '122 Patent?</p> <p>18 MR. ACOSTA: Same objection.</p> <p>19 THE WITNESS: Your hypothetical is -- is,</p> <p>20 again, way ill-defined. 13:37:03</p> <p>21 I mean, the fact that it's -- it's securely stored</p> <p>22 in the browser toolbar begs the question as to how it</p> <p>23 would be exposed to the virus. If the virus on -- is</p> <p>24 outside of the toolbar, then, you know, then it would</p> <p>25 be secure. 13:37:26</p> <p style="text-align: right;">Page 66</p> | <p>1 But regardless -- I'm not saying the accused 13:38:47</p> <p>2 system. I'm not saying the accused system. I'm not</p> <p>3 talking about Zoho technology.</p> <p>4 This is a hypothetical. There is a browser</p> <p>5 toolbar on a client computer. It receives encrypted 13:38:57</p> <p>6 account data. It is decrypted. It is stored on disk</p> <p>7 of the client computer. That account data in decrypted</p> <p>8 form is in RAM for processing and use by the browser</p> <p>9 toolbar.</p> <p>10 There happens to be a virus on the client 13:39:12</p> <p>11 computer. That virus has access to the account data in</p> <p>12 its decrypted form on disk and as it exists in RAM.</p> <p>13 And my question to you is: In that scenario, has</p> <p>14 the account data in that process been securely stored</p> <p>15 as required by the second-to-last element of Claim 1 of 13:39:36</p> <p>16 the '122 Patent?</p> <p>17 MR. ACOSTA: Objection. Form. Objection.</p> <p>18 Scope.</p> <p>19 THE WITNESS: I would need to look at that --</p> <p>20 that system. 13:39:47</p> <p>21 BY MR. MARTON:</p> <p>22 Q. So it may have been securely stored. Is that what</p> <p>23 you're telling me?</p> <p>24 MR. ACOSTA: Objection. Form. Objection.</p> <p>25 Scope. 13:39:57</p> <p style="text-align: right;">Page 68</p> |
| <p>1 So I -- I'm not -- your question's ill-defined. 13:37:28</p> <p>2 BY MR. MARTON:</p> <p>3 Q. I think you must not be hearing what I'm saying.</p> <p>4 And the question is this.</p> <p>5 So the accused system is a process. So there's 13:37:37</p> <p>6 the accused process.</p> <p>7 Data is received by the browser toolbar. It is</p> <p>8 decrypted. It is stored on disk at the client</p> <p>9 computer. And it is in RAM for processing, and use by</p> <p>10 the browser toolbar. 13:37:58</p> <p>11 But there is a virus on the client's computer, and</p> <p>12 that virus has access to both the account data at the</p> <p>13 disk and at RAM.</p> <p>14 My question is: Has that account data been</p> <p>15 securely stored at the browser toolbar, as required by 13:38:17</p> <p>16 Claim 1 of the '122 Patent?</p> <p>17 MR. ACOSTA: Objection. Form.</p> <p>18 THE WITNESS: I haven't looked at the accused</p> <p>19 system and have no -- no opinion on that.</p> <p>20 BY MR. MARTON: 13:38:32</p> <p>21 Q. I'm not talking about the accused system. I'm</p> <p>22 giving you a hypothetical.</p> <p>23 A. Your question started with: the accused system.</p> <p>24 Q. I don't believe it did.</p> <p>25 (Cross talk.) 13:38:46</p> <p style="text-align: right;">Page 67</p>   | <p>1 THE WITNESS: Yeah. I think that you're 13:39:57</p> <p>2 hypothetical's ill-defined, so I would like to actually</p> <p>3 look at a system if I was going to opine on whether or</p> <p>4 not it meant that element --</p> <p>5 MR. MARTON: Okay. 13:40:07</p> <p>6 THE WITNESS: But the patent describes</p> <p>7 several examples. We've gone over those. A person of</p> <p>8 ordinary skill in the art would know how to -- how to</p> <p>9 securely store. So I'm not sure what -- what else I</p> <p>10 can say. 13:40:22</p> <p>11 MR. MARTON: Okay. We can take a break.</p> <p>12 MR. ACOSTA: Okay.</p> <p>13 THE VIDEOGRAPHER: Okay. The time is now</p> <p>14 1:40 p.m. This marks the end of Media Number 2. And</p> <p>15 we are off the record. 13:40:35</p> <p>16 (Recess taken from 1:40 p.m. until 1:53 p.m.)</p> <p>17 THE VIDEOGRAPHER: Okay. The time is now</p> <p>18 1:53 p.m. This marks the beginning of Media Number 3,</p> <p>19 and we are back on the record.</p> <p>20 BY MR. MARTON: 13:52:59</p> <p>21 Q. Welcome back, Dr. Meléndez.</p> <p>22 A. Thank you.</p> <p>23 Q. Did you speak with your counsel during the break?</p> <p>24 A. Yes.</p> <p>25 Q. Did you speak about your testimony? 13:53:06</p> <p style="text-align: right;">Page 69</p>  |

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| <p>1 A. No. 13:53:08</p> <p>2 Q. Okay. So before the break we were talking about</p> <p>3 examples in the '122 Patent specification of securely</p> <p>4 storing account information at the browser toolbar.</p> <p>5 Do you remember that? 13:53:33</p> <p>6 A. I remember we had a discussion about -- related to</p> <p>7 that, yes.</p> <p>8 Q. And I was asking you to enumerate and describe</p> <p>9 each of the examples of securely storing the account</p> <p>10 information at the browser toolbar, as described in the 13:53:48</p> <p>11 specification. Right?</p> <p>12 A. I don't recall that.</p> <p>13 I think that you had asked me to highlight the</p> <p>14 ones I had commented on in my report.</p> <p>15 Q. Well, I do want to know all of the examples of 13:54:07</p> <p>16 securely storing account information at the browser</p> <p>17 toolbar described in the '122 Patent from your</p> <p>18 perspective. I'd like --</p> <p>19 A. That's not -- that's not an analysis that I did;</p> <p>20 nor did I need to do for the opinions in my report. 13:54:29</p> <p>21 Q. Okay. Well, let's talk about the ones first</p> <p>22 enumerated in your report. Is that okay?</p> <p>23 A. Sure.</p> <p>24 Q. So the first one that we talked about before the</p> <p>25 break, I think you identified in paragraph 33 of your 13:54:45</p> <p style="text-align: right;">Page 70</p>  | <p>1 there for five minutes, but there's someone standing 13:57:08</p> <p>2 right next to me when I leave it there, then, you know,</p> <p>3 then that -- you know, the time wouldn't have been a</p> <p>4 factor.</p> <p>5 So you have to look at the system to see, you 13:57:22</p> <p>6 know, whether or not there's a reasonable likelihood</p> <p>7 that -- that it would be discovered in that time frame.</p> <p>8 Q. So in your coin example, which I actually like, if</p> <p>9 you were to put your coin under a rock for only</p> <p>10 five minutes, that would be securely storing if nobody 13:57:46</p> <p>11 else was around. Is that right?</p> <p>12 A. If no one else was around, you could actually not</p> <p>13 even have to put it under the rock, and it would still</p> <p>14 be securely storing.</p> <p>15 Q. Okay. 13:58:07</p> <p>16 A. And --</p> <p>17 Q. But if someone was standing next to the rock and</p> <p>18 watching you, if you put the coin under the rock, and</p> <p>19 your plan was to leave it there for only five minutes,</p> <p>20 it wouldn't be securely storing, because the person was 13:58:23</p> <p>21 watching you do it, and they could immediately grab it.</p> <p>22 Is that correct?</p> <p>23 A. Yeah. Well, again, this analogy is not meant to</p> <p>24 be gone too far. Right?</p> <p>25 I -- I might have that person that's watching me 13:58:39</p> <p style="text-align: right;">Page 72</p>   |
| <p>1 declaration. Is that correct? 13:54:49</p> <p>2 A. I think that's -- I don't -- I don't remember</p> <p>3 which one we talked about first, but that does sound</p> <p>4 familiar that there was one on 33. Do you want me to</p> <p>5 go to 33? 13:55:04</p> <p>6 Q. Please. So in paragraph 33, you said one example</p> <p>7 of securely storing from the Asserted Patents is</p> <p>8 limiting the amount of time the information is</p> <p>9 maintained. Is that correct?</p> <p>10 A. That is an example of -- of securely storing. 13:55:36</p> <p>11 I do not think I referenced this Claim 6 and 16,</p> <p>12 where that, I understand, is identified as a</p> <p>13 additional -- sorry -- dependent limitation of -- in</p> <p>14 the '901; and then Claim 3, it says here, of the '088.</p> <p>15 Q. So if account information is stored only for a 13:56:08</p> <p>16 limited amount of time at the browser toolbar, then it</p> <p>17 has been securely stored according to the requirements</p> <p>18 of the '122 Claim 1. Is that correct?</p> <p>19 A. I'm not sure. That's not an analysis I -- I did.</p> <p>20 That is one method of securely storing, but 13:56:39</p> <p>21 obviously you'd have to look at the rest of the... of</p> <p>22 the system.</p> <p>23 Q. What else would you need to look at?</p> <p>24 A. Well, for example, in that, you know, if I put</p> <p>25 that coin on that remote beach, and I only leave it 13:57:03</p> <p style="text-align: right;">Page 71</p> | <p>1 do it be a security guard or a police officer; in which 13:58:42</p> <p>2 case it would still be secure. But, you know, assuming</p> <p>3 that was someone that saw me do it, and, you know, had</p> <p>4 a bad intent, they could -- they could take it.</p> <p>5 Q. So then -- 13:59:03</p> <p>6 A. It doesn't mean necessarily that it's not secure,</p> <p>7 I guess, but...</p> <p>8 Q. Let's assume the person does have bad intent, and</p> <p>9 they like to pick up other people's money when they get</p> <p>10 the chance, and they are watching you walk up to the 13:59:19</p> <p>11 rock, and you place your coin under the rock.</p> <p>12 And your plan is just to leave it there for five</p> <p>13 minutes. And then you turn around and walk away, with</p> <p>14 the intent of coming back in five minutes.</p> <p>15 Have you securely stored your coin? 13:59:34</p> <p>16 A. I guess I -- yes, for -- for some period of time.</p> <p>17 I guess in that analogy, it's -- it's not</p> <p>18 something I -- I've thought about.</p> <p>19 Q. When you say for some period of time, you have</p> <p>20 securely stored it for some period of time -- what 14:00:04</p> <p>21 period of time would that be?</p> <p>22 A. Well, at least in this -- the hypothetical of --</p> <p>23 of coins on sand beaches, which has nothing to do, by</p> <p>24 the way, with the patents or this limitation, it would</p> <p>25 be at least secure while I was -- while I was there, 14:00:21</p> <p style="text-align: right;">Page 73</p> |

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| <p>1 unless the person was strong enough to bulldoze me 14:00:24</p> <p>2 over, and -- and go, which they probably could do</p> <p>3 that -- most people, I guess.</p> <p>4 Q. So it has been securely stored, according to you,</p> <p>5 as long as you're there, and you could keep the -- 14:00:47</p> <p>6 A. Well, in this -- yeah, in this analogy which has</p> <p>7 not lost its relevancy way beyond what it was mentioned</p> <p>8 for, you know, assuming I am strong enough to defend</p> <p>9 it, or the person there is a security guard and, you</p> <p>10 know, was hired to defend it, then obviously it would 14:01:07</p> <p>11 be practically reasonably secure while it was there.</p> <p>12 That not being the case, at least for the time</p> <p>13 period in which those elements were there, it's hard to</p> <p>14 say.</p> <p>15 And, again, this is just an analogy about sand; it 14:01:36</p> <p>16 has nothing to do with the patent claims.</p> <p>17 Q. Right. I actually like the analogy. It's your</p> <p>18 analogy, but it's a pretty good one, because it's easy</p> <p>19 for us nontechnical folks to -- to get a better</p> <p>20 understanding of what it is you're talking about 14:01:50</p> <p>21 through this analogy.</p> <p>22 In -- in this situation, the person standing next</p> <p>23 to the rock is not a security guard. It's not a police</p> <p>24 officer. It's someone with bad intent who wants your</p> <p>25 money, who is able to overtake you physically. And you 14:02:07</p> <p style="text-align: right;">Page 74</p> | <p>1 this coin. 14:04:10</p> <p>2 Q. So by placing it under the rock, you did not</p> <p>3 securely store the coin in this hypothetical. Is that</p> <p>4 what you're telling me?</p> <p>5 MR. ACOSTA: Objection to form. 14:04:20</p> <p>6 THE WITNESS: No. I'm -- I'm not even sure</p> <p>7 what the hypothetical is anymore; and the hypothetical</p> <p>8 is not related to the claim.</p> <p>9 I brought up the analogy very specifically to talk</p> <p>10 about where you put something, you know, in something 14:04:29</p> <p>11 that's vast, like RAM.</p> <p>12 And a person of ordinary skill in the art in the</p> <p>13 technology domain would understand what it means to</p> <p>14 securely store something. And the elements that we've</p> <p>15 described are, you know, location as examples; amount 14:04:53</p> <p>16 of time of exposure as another example; an additional</p> <p>17 level of security at the location.</p> <p>18 And in the analogy there of the sand, you know,</p> <p>19 those were just, okay, here's a -- here's a beach</p> <p>20 that's -- that's somewhere where no one's not really 14:05:18</p> <p>21 around, and the beach -- beach is vast, so if it's only</p> <p>22 there for a little bit of time, then it's -- it's</p> <p>23 secure. That's one way of securing something.</p> <p>24 And then we talked about a vault, you know, under</p> <p>25 the rock, a heavy vault. So if I put that coin under 14:05:34</p> <p style="text-align: right;">Page 76</p>      |
| <p>1 walk up, and you put your coin under the rock while 14:02:16</p> <p>2 that person is watching you.</p> <p>3 Have you securely stored your coin?</p> <p>4 A. Again, it -- in the analogy, it kind of breaks</p> <p>5 down, because we don't really know what's going on 14:02:26</p> <p>6 under that rock, and we don't know the other parameters</p> <p>7 of the system.</p> <p>8 We know there's at least knowledge; you know,</p> <p>9 knowledge that something's there. But that doesn't</p> <p>10 necessarily mean that this person in this example has 14:02:46</p> <p>11 either the access or the capability to -- you know, to</p> <p>12 remove that coin.</p> <p>13 Q. If the person has access and capability to remove</p> <p>14 the coin immediately upon your placing it under there,</p> <p>15 have you securely stored that coin? 14:03:12</p> <p>16 A. I would say in this example, if the person doesn't</p> <p>17 care at all whether I'm there or not, they have</p> <p>18 ill-intent, they want to take the coin, then, you know,</p> <p>19 they could just bowl me over and take it out of my</p> <p>20 hand, or they can wait till I put it under a rock or 14:03:39</p> <p>21 wait until I leave or not wait until I leave.</p> <p>22 But I guess it's sort of -- that's sort of</p> <p>23 irrelevant, because I didn't, obviously, provide a</p> <p>24 sustained protection for my coin. I should have just</p> <p>25 not -- not shown up at all to the beach and -- with 14:04:05</p> <p style="text-align: right;">Page 75</p>                              | <p>1 the rock, and there happened to be a heavy vault under 14:05:39</p> <p>2 there, and I dropped it in there and closed it up and</p> <p>3 put the rock back down, you know, then obviously that's</p> <p>4 a different securely storing.</p> <p>5 You know, these aren't -- you know, these are 14:05:58</p> <p>6 things related to a physical object.</p> <p>7 But the patent, I remember, gave a few examples</p> <p>8 that, you know, are consistent with what a person of</p> <p>9 ordinary skill in the art would understand. And I</p> <p>10 identified two or three of those; maybe even four -- 14:06:19</p> <p>11 I'm not sure but...</p> <p>12 BY MR. MARTON:</p> <p>13 Q. Can you tell me every example of securely storing</p> <p>14 that you've identified from the patent?</p> <p>15 A. I can at least go through my report and identify 14:06:33</p> <p>16 the others. We've talked about three already.</p> <p>17 Q. Okay. Can you list out those three for me again?</p> <p>18 A. The ones that we've talked about already had to do</p> <p>19 with time limitation. You know, that's related to</p> <p>20 exposing something, but -- you know, for -- and it's 14:06:51</p> <p>21 not so much time as just, you know, not leaving it</p> <p>22 there. So that translates into a time.</p> <p>23 And I think the limitation of one of the claims</p> <p>24 said about after the transaction was completed. I</p> <p>25 think you mentioned that. 14:07:13</p> <p style="text-align: right;">Page 77</p> |



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| <p>1 The other is a secure storage; specifically an 14:07:15</p> <p>2 e-wallet.</p> <p>3 And then generally, any secure storage that would</p> <p>4 be within the toolbar, because the limitation requires</p> <p>5 at the toolbar. So there would be some, at least some 14:07:40</p> <p>6 storage of the toolbar involved with that.</p> <p>7 And then really, you know, anywhere it could be</p> <p>8 securely stored that it's accessible to the toolbar.</p> <p>9 Q. So is that a fourth example?</p> <p>10 A. Well, let me -- I have to if you want me to 14:08:04</p> <p>11 identify the ones from my report, I'd have to --</p> <p>12 Q. Yeah, that would be fine.</p> <p>13 A. -- actually read it because --</p> <p>14 (Cross talk.)</p> <p>15 BY MR. MARTON: 14:08:08</p> <p>16 Q. Feel free to look at your report and -- feel free</p> <p>17 to look at your report and tell me. So far it sounds</p> <p>18 like you've given me three examples; but if there's</p> <p>19 more, please let me know.</p> <p>20 A. Yeah. Again, my report wasn't to identify all the 14:08:20</p> <p>21 examples. It was just to -- to make it clear why it</p> <p>22 wasn't indefinite.</p> <p>23 Q. Mm-hm.</p> <p>24 A. My Exhibit Share thing keeps scrolling to</p> <p>25 different sections, so it's taking a little longer 14:10:14</p> <p style="text-align: right;">Page 78</p> | <p>1 BY MR. MARTON: 14:13:25</p> <p>2 Q. Hm. That's bizarre. That doesn't happen to me.</p> <p>3 A. -- the page.</p> <p>4 Q. Okay. Other than the examples you've just</p> <p>5 identified of what you contend the '122 describes as 14:13:32</p> <p>6 securely storing account information at the browser</p> <p>7 toolbar, can you identify any other examples of</p> <p>8 securely storing account information at the browser</p> <p>9 toolbar from the patent?</p> <p>10 MR. ACOSTA: Objection. Form. 14:13:58</p> <p>11 THE WITNESS: It looks like there's an</p> <p>12 additional related reference in paragraph 30 to the</p> <p>13 Office Action that discusses the maintaining of the</p> <p>14 encryption key by the browser toolbar.</p> <p>15 BY MR. MARTON: 14:15:15</p> <p>16 Q. How is maintaining the encryption key by the</p> <p>17 browser toolbar an example of securely storing account</p> <p>18 information at the browser toolbar?</p> <p>19 A. Well, it limits the availability of the encryption</p> <p>20 key because it's maintained by the browser toolbar. 14:15:26</p> <p>21 Q. Yeah. But in Claim 1 of the '122 patent, the data</p> <p>22 is then -- is decrypted using that encryption key that</p> <p>23 is maintained by the browser toolbar, and then it's</p> <p>24 securely stored.</p> <p>25 So my question is: How is it securely stored 14:15:43</p> <p style="text-align: right;">Page 80</p>                                   |
| <p>1 here. 14:10:18</p> <p>2 In this -- as I go along here, in paragraph 28, I</p> <p>3 talk about that the specification talks about the</p> <p>4 e-wallet being both inside as well as outside of the</p> <p>5 browser toolbar. 14:12:06</p> <p>6 And then in paragraph 27, it talks about what you</p> <p>7 had mentioned before regarding the RAM; and by storing</p> <p>8 it specifically within the -- the browser toolbar,</p> <p>9 you're keeping it away from other parts of the RAM that</p> <p>10 are used by other programs. So that's also 14:12:30</p> <p>11 obviously -- provides securely storing.</p> <p>12 In paragraph 29, it talks about the statement from</p> <p>13 the Patent Office itself regarding that the -- that the</p> <p>14 toolbar -- that the e-wallet can be part of the browser</p> <p>15 toolbar. 14:13:01</p> <p>16 Are you all still there? Because I usually don't</p> <p>17 talk this much without someone interrupting me.</p> <p>18 Q. I'm still here.</p> <p>19 A. Okay. Good. Sorry.</p> <p>20 Q. I'm just letting you -- 14:13:13</p> <p>21 THE WITNESS: I'm not sure what's happening</p> <p>22 with this Exhibit Share, but I'm reading the paragraph</p> <p>23 and then not touching anything, and after a little bit,</p> <p>24 it like bumps me up --</p> <p>25</p> <p style="text-align: right;">Page 79</p>                   | <p>1 after it's decrypted by the -- by that -- 14:15:46</p> <p>2 A. Well, none of my statements here related to</p> <p>3 whether or not the claim is performed. Right?</p> <p>4 We're just looking at this. You were asking me is</p> <p>5 securely storing something that's described in the 14:16:01</p> <p>6 patent.</p> <p>7 That's not an analysis I did extensively because I</p> <p>8 was -- I was just working on claim construction of --</p> <p>9 Q. Okay.</p> <p>10 A. -- arguing that this term is not indefinite. 14:16:15</p> <p>11 But I gave you some examples from my report. And</p> <p>12 then you asked me for all of them. So now I'm going</p> <p>13 through my report to identify additional disclosures</p> <p>14 that I provided as examples.</p> <p>15 Q. Okay. Can you look at paragraph 32 of your 14:16:35</p> <p>16 declaration?</p> <p>17 A. Sure.</p> <p>18 Q. In this, you say: "A POSITA, in the context of</p> <p>19 the specifications and the claims of the Asserted</p> <p>20 Patents, would understand that" -- quote -- "securely 14:16:49</p> <p>21 storing the account information' at the browser toolbar</p> <p>22 means that the account information is downloaded to the</p> <p>23 browser toolbar securely, where it has restricted</p> <p>24 availability at the customer's computer generally, or</p> <p>25 otherwise include any measure taken to limit access to 14:17:08</p> <p style="text-align: right;">Page 81</p> |

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| <p>1 A. I think I've already given you an example of -- of 14:24:01<br/> 2 one, you know, suggested improvement, if this was going<br/> 3 to be attacked.<br/> 4 But, again, this wasn't offered nor intended as<br/> 5 a -- as a construction. 14:24:14<br/> 6 Q. If --<br/> 7 A. I think there is an alternative construction that<br/> 8 I actually did opine on.<br/> 9 Q. We'll get to that.<br/> 10 If some measure, any measure, is taken to limit 14:24:25<br/> 11 unauthorized access to the account information, would<br/> 12 that be enough to qualify as securely storing?<br/> 13 A. I think it -- it would need to be any effort that,<br/> 14 you know, would be reasonably understood by a person of<br/> 15 ordinary skill in the art. 14:24:53<br/> 16 I mean, you know, securing data -- that step,<br/> 17 alone, absent, you know, at the toolbar, which is what<br/> 18 you've been focused on, is something that's been going<br/> 19 on for -- for decades; and, you know, Dr. Jakobsson<br/> 20 commented on that in his report. 14:25:13<br/> 21 So a person of ordinary skill in the art would<br/> 22 certainly know how to -- you know, reasonably what it<br/> 23 means to secure -- to secure data. And so any -- I<br/> 24 would say -- I guess I would qualify it. You know,<br/> 25 any -- maybe any measure taken to limit unauthorized 14:25:31<br/> Page 86</p> | <p>1 Q. Another question. So are there steps you can take 14:27:12<br/> 2 that limit access to the account information once it's<br/> 3 downloaded to the browser toolbar that are not<br/> 4 sufficient to make the data deemed securely stored?<br/> 5 A. I'm not sure I understand your question, or maybe 14:27:33<br/> 6 I don't have an opinion on it.<br/> 7 Q. Well, my question is: Are there steps that<br/> 8 someone can take to limit access to account data during<br/> 9 the storing process at the browser toolbar that are<br/> 10 insufficient to render the act of storing as secure? 14:27:57<br/> 11 MR. ACOSTA: Objection. Form.<br/> 12 THE WITNESS: I think I already actually<br/> 13 gave -- answered that question; or maybe I gave you the<br/> 14 information.<br/> 15 Which is why I think the -- you know, person of 14:28:21<br/> 16 ordinary skill in the art wouldn't need to go down that<br/> 17 rabbit hole; but, you know, the reason I said "limit<br/> 18 to" -- you know, "unauthorized access" is obviously you<br/> 19 could limit the access to authorized persons, but not<br/> 20 to unauthorized persons, so... 14:28:36<br/> 21 But that's not a reasonable, you know,<br/> 22 interpretation of the securely storing limitation,<br/> 23 so...<br/> 24 BY MR. MARTON:<br/> 25 Q. Can you give me another example? 14:28:49<br/> Page 88</p> |
| <p>1 access to the data, as would be known by a person of 14:25:36<br/> 2 ordinary skill in the art.<br/> 3 Well, actually, I -- I think I already kind of put<br/> 4 that at the beginning of the sentence.<br/> 5 Q. Okay. Can you -- 14:25:50<br/> 6 A. But, actually, the patent has two others that I<br/> 7 see. You skipped paragraph 31.<br/> 8 Q. What other one?<br/> 9 A. Data could -- could be stored -- securely stored<br/> 10 in a secure database or in a secure datastore. Those 14:26:07<br/> 11 are also not only disclosed in the patent; but they're<br/> 12 also used in -- in the same -- in a -- some of the<br/> 13 claims.<br/> 14 Q. Would storing in a secure database be storing at<br/> 15 the browser toolbar? 14:26:31<br/> 16 A. Yeah. Well, I mean, if your database is within<br/> 17 the browser toolbar, for sure.<br/> 18 That would be an alternative specific example of<br/> 19 the secure storage at the browser toolbar, where one --<br/> 20 one specific example was the e-wallet. And here 14:26:49<br/> 21 another example is the database. And then another<br/> 22 example is the datastore. You can obviously have a<br/> 23 database in RAM that's -- I'm sure you knew that<br/> 24 already. But a person of ordinary skill in the art<br/> 25 would understand that. 14:27:10<br/> Page 87</p>  | <p>1 A. Not off the top of my head. It's not something 14:28:52<br/> 2 that -- that I looked at.<br/> 3 Q. Does storing account information in unencrypted<br/> 4 form on a computer disk constitute secure storage, as<br/> 5 required by Claim 1 of the '122 Patent? 14:29:15<br/> 6 MR. ACOSTA: Objection.<br/> 7 THE WITNESS: Again, you're -- yeah. You're<br/> 8 using this word "constitute." I feel like I've<br/> 9 answered this question before. It depends.<br/> 10 BY MR. MARTON: 14:29:30<br/> 11 Q. Depends on what?<br/> 12 A. On the rest of the system. I'd have to look at<br/> 13 the system.<br/> 14 Q. And what would you have to look at?<br/> 15 A. I would have to -- 14:29:39<br/> 16 MR. ACOSTA: Objection.<br/> 17 THE WITNESS: -- look at its implementation,<br/> 18 and see what access there was that was provided<br/> 19 generally.<br/> 20 BY MR. MARTON: 14:29:52<br/> 21 Q. What do you mean, "what access was provided<br/> 22 generally"?<br/> 23 A. Yeah. Well, okay. So this is getting into pretty<br/> 24 kind of basics about computers, I guess.<br/> 25 But computers have information. They do 14:30:10<br/> Page 89</p>  |

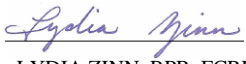


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| <p>1 A. Sensitive data. 14:47:20</p> <p>2 And then you would look to see if there's some,</p> <p>3 you know, method that a POSITA would understand is, you</p> <p>4 know, cryptographically, maybe specifically with</p> <p>5 encryption, maybe with storage locations, maybe with 14:47:32</p> <p>6 randomization of storage locations; but a myriad of</p> <p>7 ways that a POSITA would understand are ways of</p> <p>8 securing information when you store it.</p> <p>9 Some of these are disclosed in the claims like the</p> <p>10 secure database, the secure datastore. 14:47:50</p> <p>11 Some are disclosed within our discussion earlier</p> <p>12 of the e-wallet -- which the e-wallet itself can be</p> <p>13 implemented and secured in different ways.</p> <p>14 So these are the ways that -- that a POSITA would</p> <p>15 understand. 14:48:05</p> <p>16 And so if you were looking whether or not the</p> <p>17 limitations met, you -- you have to look at the system</p> <p>18 to see if really if there's a cryptographic or</p> <p>19 methodology that's being used, or some other method of</p> <p>20 securing the data in these -- you know, that a person 14:48:21</p> <p>21 of ordinary skill in the art would -- would understand.</p> <p>22 Q. Okay. So as a first step, or as a step, a POSITA</p> <p>23 would look to see what efforts have been taken to</p> <p>24 restrict unauthorized access to the data that is being</p> <p>25 stored to the account -- and stored to the browser 14:48:44</p> <p style="text-align: right;">Page 102</p> | <p>1 Is that what you're talking about? 14:50:04</p> <p>2 A. No.</p> <p>3 MR. ACOSTA: Objection.</p> <p>4 THE WITNESS: The -- the rogue program is</p> <p>5 just one example that was given in the background 14:50:10</p> <p>6 section.</p> <p>7 You're assuming there's a rogue program, and, for</p> <p>8 example, it's not, you know, like in those movies you</p> <p>9 see. Hey, you got, you know, five minutes' access to</p> <p>10 this terminal. Here's a USB. And you see this person 14:50:25</p> <p>11 typing away at the terminal, you know, trying to break</p> <p>12 in; trying to break in.</p> <p>13 So that's a person that's actually at a keyboard</p> <p>14 that's doing something.</p> <p>15 You know, I wouldn't -- I wouldn't take this rogue 14:50:39</p> <p>16 program, and, you know, as -- that's disclosed as an</p> <p>17 example, and read it in -- into the claim limitation as</p> <p>18 the -- you know, as the only embodiment.</p> <p>19 BY MR. MARTON:</p> <p>20 Q. Look, I'm just trying to understand what it is we 14:50:57</p> <p>21 need to evaluate to determine if something is securely</p> <p>22 stored.</p> <p>23 And it sounds to me like you're, at one point,</p> <p>24 looking at efforts taken by the system to restrict</p> <p>25 access, whether it's encrypting the data or storing to 14:51:19</p> <p style="text-align: right;">Page 104</p>  |
| <p>1 toolbar. Is that right? 14:48:47</p> <p>2 A. Well, that's one -- one way.</p> <p>3 We talked about access -- knowledge, access, and</p> <p>4 capability.</p> <p>5 You know, those are, in my view, sort of the -- 14:49:00</p> <p>6 the fundamental three things that you look at.</p> <p>7 And, you know, you obviously -- obviously you can</p> <p>8 have combinations of those things.</p> <p>9 Q. What do you mean by "knowledge, access, and</p> <p>10 capability"? 14:49:18</p> <p>11 A. I talked about that already.</p> <p>12 You know, knowledge of where something is. If you</p> <p>13 don't know where it is, then you, you know, can't</p> <p>14 reasonably get to it.</p> <p>15 Access: The ability to -- to get to wherever it 14:49:30</p> <p>16 is.</p> <p>17 And then we talked about capability; even if you</p> <p>18 knew where it was and could get to it, you know, can</p> <p>19 you actually grab it?</p> <p>20 Q. So the knowledge, access, and capability is from 14:49:48</p> <p>21 the perspective of -- of the rogue program. What</p> <p>22 knowledge does the rogue program have of where the data</p> <p>23 is? What access does the rogue program have to the</p> <p>24 data? And what capability does the rogue program have</p> <p>25 to get the data? 14:50:03</p> <p style="text-align: right;">Page 103</p>   | <p>1 a unknown -- a storage location that unauthorized folks 14:51:22</p> <p>2 would not be aware of, or storing to secure storage;</p> <p>3 and that --</p> <p>4 So you evaluate what efforts have been taken to</p> <p>5 restrict the access, on the one hand; and then on the 14:51:35</p> <p>6 other hand, you have to evaluate the efficacy of those</p> <p>7 efforts against expected or reasonably expected</p> <p>8 threats. Is that -- is that correct? Is that the</p> <p>9 analysis we're doing? Because I'm just trying to put</p> <p>10 parameters around it. I just want to understand it. 14:51:54</p> <p>11 A. Sure.</p> <p>12 MR. ACOSTA: Objection. Form.</p> <p>13 THE WITNESS: No, I can -- I can help you</p> <p>14 with that. I think, first off, if you step back,</p> <p>15 you're making this way too hard. Like, the claim 14:52:02</p> <p>16 limitation is not perfectly securing the storage. It's</p> <p>17 just securely storing.</p> <p>18 And a person of ordinary skill in the art</p> <p>19 understands that, by and large, there are a myriad</p> <p>20 of -- of -- of ways of securing data. It's not rocket 14:52:16</p> <p>21 science to someone who's a person of ordinary skill in</p> <p>22 the art.</p> <p>23 And, you know, and the first thing I would look at</p> <p>24 is: Is there any cryptographically, you know,</p> <p>25 recognized way that's being used? 14:52:32</p> <p style="text-align: right;">Page 105</p> |

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| <p>1 That account information has some other 14:57:52</p> <p>2 limitations associated with it. And it's being done at</p> <p>3 the browser -- at the browser toolbar, which, again,</p> <p>4 provides a lot of value, in terms of -- of limiting,</p> <p>5 you know, the accessibility of that information to the 14:58:11</p> <p>6 general computing system, as well as just practical</p> <p>7 value, which I'm not sure is part of the limitation of</p> <p>8 the claim, but related to its persistence, because it</p> <p>9 can be stored there and/or accessible from there, even</p> <p>10 as you're, you know, changing the HTML of web -- web 14:58:31</p> <p>11 pages.</p> <p>12 BY MR. MARTON:</p> <p>13 Q. Does storing account information in unencrypted</p> <p>14 form at the browser toolbar on a computer that is</p> <p>15 locked with a password, but not otherwise secured 14:58:45</p> <p>16 constitute secure storage, as required by Claim 1 of</p> <p>17 the '122 Patent?</p> <p>18 (Cross talk.)</p> <p>19 MR. ACOSTA: Objection. Form. Objection.</p> <p>20 Scope. 14:58:57</p> <p>21 THE WITNESS: Yeah. I don't know.</p> <p>22 That's -- that's not something I've looked -- I've</p> <p>23 looked at, and would require me to do an analysis</p> <p>24 that's -- would look at things and -- and what system,</p> <p>25 and longer than what we have here today. 14:59:12</p> <p style="text-align: right;">Page 110</p> | <p>1 know, cryptographic types of methods; encryption being 15:00:43</p> <p>2 one of them. It doesn't have to be encryption.</p> <p>3 You know, that would be known to a person of</p> <p>4 ordinary skill in the art.</p> <p>5 BY MR. MARTON: 15:00:55</p> <p>6 Q. If you used one of the well-known methods of 2008</p> <p>7 for securely storing account information at the browser</p> <p>8 toolbar, but now it's 2023, and that method is now</p> <p>9 deemed pretty well known as insufficient, would one not</p> <p>10 be securely storing at this point? 15:01:25</p> <p>11 (Cross talk.)</p> <p>12 MR. ACOSTA: Objection. Form.</p> <p>13 THE WITNESS: Yeah. For one, I -- I didn't</p> <p>14 say that it was known to securely store account</p> <p>15 information at the browser toolbar. That's something 15:01:37</p> <p>16 that you said. I said that --</p> <p>17 BY MR. MARTON:</p> <p>18 Q. I'm saying you're using one of the methods that is</p> <p>19 known for secure storage. You've told me over and over</p> <p>20 again that there's a lot of methods known for securely 15:01:48</p> <p>21 storing, so we're focusing on the securely storing.</p> <p>22 I want to not focus on the account information or</p> <p>23 browser toolbar. Let's assume that's there. Those</p> <p>24 elements are met.</p> <p>25 So we're talking about securely storing. 15:01:59</p> <p style="text-align: right;">Page 112</p>   |
| <p>1 BY MR. MARTON: 14:59:18</p> <p>2 Q. Does storing account information in unencrypted</p> <p>3 form at the browser toolbar on a computer that is</p> <p>4 locked with a password, but the password is written on</p> <p>5 a Post-it note stuck to the screen, constitute secure 14:59:27</p> <p>6 storage, as required by Claim 1 of the '122 Patent?</p> <p>7 MR. ACOSTA: Objection. Form.</p> <p>8 THE WITNESS: Yeah, for one, the Claim 1,</p> <p>9 again, doesn't have secure storage as a limitation.</p> <p>10 It's securely storing account information. 14:59:42</p> <p>11 And that's not something I've looked at nor opined</p> <p>12 in my report, which is related to the claim</p> <p>13 construction.</p> <p>14 BY MR. MARTON:</p> <p>15 Q. If -- let's assume we're storing account 15:00:05</p> <p>16 information, and it's being stored at the browser</p> <p>17 toolbar. Okay?</p> <p>18 If some effort is met -- is made to restrict</p> <p>19 access to data in the course of storing the account</p> <p>20 information, does that constitute secure storage? 15:00:25</p> <p>21 MR. ACOSTA: Objection. Form.</p> <p>22 THE WITNESS: I would -- I would need to look</p> <p>23 at the system.</p> <p>24 Again, I -- you know, I would expect that secure</p> <p>25 storing would be met by any one of -- no -- and, you 15:00:38</p> <p style="text-align: right;">Page 111</p>   | <p>1 And you're using one of the well-known methods 15:02:02</p> <p>2 from 2008 for securely storing, whether it's encryption</p> <p>3 or using some secure data storage.</p> <p>4 But that known method from 2008 is now ineffective</p> <p>5 in 2023. If you use that method from 2008 now, in 15:02:15</p> <p>6 2023, are you securely storing the account information,</p> <p>7 as required by Claim 1 of the '122 Patent?</p> <p>8 MR. ACOSTA: Objection. Form.</p> <p>9 THE WITNESS: I don't know what you mean</p> <p>10 by -- by ineffective. 15:02:32</p> <p>11 You know, this -- again, the claim limitation</p> <p>12 doesn't say perfectly securing.</p> <p>13 You know, I think a person of ordinary skill in</p> <p>14 the art understands that there's no such thing as</p> <p>15 perfectly securing. 15:02:49</p> <p>16 I mean, you can have keys -- even crypto -- you</p> <p>17 know, which people like to think is perfect -- you</p> <p>18 know, over time with fast enough computers, you know,</p> <p>19 quantum computers can crack, you know, codes.</p> <p>20 I -- you know, but, again, like limitations not 15:03:08</p> <p>21 perfectly securing or forever securing.</p> <p>22 I think to look at the limitation, it's a method</p> <p>23 that's being practiced, and you would look at the time</p> <p>24 that it's being practiced.</p> <p>25 You know, if it's securely storing at -- you know, 15:03:24</p> <p style="text-align: right;">Page 113</p> |

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| <p>1 the account information at the browser toolbar, and if 15:03:31</p> <p>2 it's not, then it's not practiced; and if it is, then</p> <p>3 it -- then it is.</p> <p>4 But I -- you know, somehow in his report,</p> <p>5 Dr. Jakobsson seemed to get distracted by whether or 15:03:41</p> <p>6 not something was perfectly secure; but, you know, the</p> <p>7 reality is that this limitation just, you know, says</p> <p>8 that it's securely storing. So it's just, you know --</p> <p>9 BY MR. MARTON:</p> <p>10 Q. So if it need not -- 15:03:56</p> <p>11 A. -- a POSITA would understand that to be reasonably</p> <p>12 secure.</p> <p>13 Q. If it need not be perfectly stored -- strike that.</p> <p>14 If it need not be perfectly secure, how do you</p> <p>15 know if it is secure enough to be deemed securely 15:04:14</p> <p>16 stored?</p> <p>17 MR. ACOSTA: Objection.</p> <p>18 THE WITNESS: Well, I know that because I'm a</p> <p>19 person of ordinary skill in the art. There's commonly</p> <p>20 accepted methods and practices associated with securing 15:04:27</p> <p>21 data.</p> <p>22 You know, and Dr. Jakobsson's an expert in</p> <p>23 encryption. He knows other ways of securing data, you</p> <p>24 know, but...</p> <p>25</p> <p style="text-align: right;">Page 114</p>  | <p>1 becomes complicated if you want to -- you know, if you 15:06:11</p> <p>2 want to try to make it complicated.</p> <p>3 It's -- you know, fundamentally you would look at,</p> <p>4 you know, if there's some proprietary approach to</p> <p>5 securing the data that would be -- I'd be curious what 15:06:22</p> <p>6 it could be. It's not fundamental.</p> <p>7 But you would look at those pillars, you know,</p> <p>8 knowledge, access, and capability.</p> <p>9 And this is reasonable. Right?</p> <p>10 I mean, a -- you know, can a person of ordinary 15:06:40</p> <p>11 skill in the art come up with some totally crazy way</p> <p>12 that something's not secure?</p> <p>13 Yeah. Probably. But that's not what the metric</p> <p>14 is, in terms of deciding whether a term is definite or</p> <p>15 not. 15:06:53</p> <p>16 You know, a reasonable interpretation of this term</p> <p>17 says that securely storing isn't rocket science and</p> <p>18 just look to see if the storing is securely.</p> <p>19 Q. Okay. Does what is deemed a reasonable method for</p> <p>20 securely storing change over time? 15:07:11</p> <p>21 MR. ACOSTA: Objection. Form. Objection.</p> <p>22 Scope.</p> <p>23 THE WITNESS: I figured if -- if a tree falls</p> <p>24 in a -- forest, does it make a sound?</p> <p>25 I -- I don't know. That's not something I've -- 15:07:33</p> <p style="text-align: right;">Page 116</p>  |
| <p>1 BY MR. MARTON: 15:04:46</p> <p>2 Q. Does the nature of the threat that a client</p> <p>3 computer is exposed to impact whether or not storing</p> <p>4 account information at the client's browser toolbar is</p> <p>5 done securely or not? 15:05:06</p> <p>6 MR. ACOSTA: Objection. Form.</p> <p>7 THE WITNESS: Yeah. Again, you're -- you're</p> <p>8 just reading into this limitation something that's</p> <p>9 not -- that's not there.</p> <p>10 A person of ordinary skill in the art would 15:05:19</p> <p>11 understand the reasonable interpretation of securing</p> <p>12 account information, absent the -- the toolbar part,</p> <p>13 which you mentioned, to -- to just ignore it for a</p> <p>14 little bit.</p> <p>15 And they -- you know, what you would look for 15:05:34</p> <p>16 is -- is, you know, are commonly methods being used</p> <p>17 that secure data.</p> <p>18 BY MR. MARTON:</p> <p>19 Q. So if you don't use one of the common methods to</p> <p>20 secure data, is it not securely stored? 15:05:48</p> <p>21 A. No.</p> <p>22 A person of ordinary skill in the art would</p> <p>23 understand that securely storing -- again, you're going</p> <p>24 down this rabbit hole again, because, you know, this is</p> <p>25 something that -- that we understand. You know it only 15:06:08</p> <p style="text-align: right;">Page 115</p> | <p>1 I've thought about. 15:07:36</p> <p>2 I mean, look, you know, cryptography's been around</p> <p>3 for a long time. We're still using symmetric</p> <p>4 encryption. It was invented hundreds of years ago; you</p> <p>5 know, asymmetric -- at least, you know, 40, 50 years 15:07:47</p> <p>6 ago.</p> <p>7 I mean, the things that people do to store things</p> <p>8 are -- are pretty fundamental if you want to store</p> <p>9 securely.</p> <p>10 And when you look at those, you -- you look at 15:07:59</p> <p>11 those, you know, pillars of knowledge, access, and</p> <p>12 capability.</p> <p>13 Obviously, if you don't have an encryption key,</p> <p>14 you don't have the capability, even if you know where</p> <p>15 it is and you intercept the message. Right? 15:08:11</p> <p>16 So you have knowledge of where it is. You have</p> <p>17 access to at least grab those -- those signals, but you</p> <p>18 don't have the capability to crypt it.</p> <p>19 You know, if -- if I want to sit here and have a</p> <p>20 few beers and think about, like, crazy things -- first, 15:08:32</p> <p>21 I would have to drink, which I'm not doing. But I</p> <p>22 guess I -- you know, I could come up with things.</p> <p>23 But it's not -- you know, my understanding of the</p> <p>24 metric -- maybe I'm understanding incorrectly -- is</p> <p>25 that, you know, this is a person of ordinary skill in 15:08:46</p> <p style="text-align: right;">Page 117</p> |

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| <p>1 the art, you know, reasonably understanding the scope. 15:08:48</p> <p>2 And I don't -- I don't think there's any question</p> <p>3 here, you know. A secure database -- that's one of the</p> <p>4 terms in the claims. That wasn't questioned.</p> <p>5 You know, secure datastore -- that was one of the 15:09:01</p> <p>6 terms in the claim; not questioned.</p> <p>7 Secure -- securely storing -- you know, it's</p> <p>8 another secure term. It doesn't say "perfectly."</p> <p>9 Doesn't say "for all time."</p> <p>10 You know, my understanding is, you know: Would a 15:09:15</p> <p>11 person of ordinary skill in the art understand that</p> <p>12 securely storing had been done?</p> <p>13 BY MR. MARTON:</p> <p>14 Q. All right. So let's talk about securely storing.</p> <p>15 Setting aside the account information and the browser 15:09:27</p> <p>16 toolbar, we're talking about a public computer, a</p> <p>17 library computer, a computer at the public library.</p> <p>18 Right?</p> <p>19 So does storing encrypted account information on</p> <p>20 that computer, where the information can be decrypted 15:09:44</p> <p>21 by a three-ASCII-character password constitute secure</p> <p>22 storage, as required by Claim 1 of the '122 Patent?</p> <p>23 MR. ACOSTA: Objection. Form. Objection.</p> <p>24 Scope.</p> <p>25 THE WITNESS: I haven't done that analysis, 15:10:02</p> <p style="text-align: right;">Page 118</p> | <p>1 information of this hypothetical system -- to access 15:11:12</p> <p>2 it.</p> <p>3 BY MR. MARTON:</p> <p>4 Q. What more information do you need? What more</p> <p>5 information do you need? 15:11:19</p> <p>6 A. Well, all I really actually need to know is: Is</p> <p>7 there securely storing of account information at -- at</p> <p>8 the toolbar?</p> <p>9 So if there's not account information, it's not</p> <p>10 met. 15:11:31</p> <p>11 If it's not at the toolbar, it's not met.</p> <p>12 And if there's not securely storing.</p> <p>13 And I would just need to -- you know, this -- the</p> <p>14 information at the toolbar is not accessible to someone</p> <p>15 who just jumps onto your computer. Right? So -- 15:11:44</p> <p>16 Q. Well, hold on. Hold on. We're not talking</p> <p>17 about -- so account information -- that's met. At the</p> <p>18 browser toolbar -- that's met.</p> <p>19 The question I have is about securely storing.</p> <p>20 And so I'm storing account information at the 15:11:57</p> <p>21 browser toolbar. The account information is encrypted.</p> <p>22 However, it can be decrypted using a</p> <p>23 three-ASCII-character password.</p> <p>24 Has that account information been securely stored,</p> <p>25 as required by Claim 1 of the '122 Patent? 15:12:14</p> <p style="text-align: right;">Page 120</p> |
| <p>1 and, frankly, I haven't gone to a public library in 15:10:03</p> <p>2 maybe a decade, so I -- I don't know what -- you know,</p> <p>3 what that adds or takes away from a system.</p> <p>4 BY MR. MARTON:</p> <p>5 Q. Okay. So on my computer -- I'm at a café. I have 15:10:13</p> <p>6 no -- my computer is not locked. There's no password</p> <p>7 access. Just my computer is at the café.</p> <p>8 Anyone who picks it up can log into it, open it,</p> <p>9 and look at whatever's on there.</p> <p>10 Let's say, I store encrypted account information 15:10:33</p> <p>11 on that computer. And the information can be decrypted</p> <p>12 via three-ASCII-character password.</p> <p>13 Does that constitute secure storage of -- of the</p> <p>14 account information?</p> <p>15 MR. ACOSTA: Objection. Form. Objection. 15:10:51</p> <p>16 Scope.</p> <p>17 THE WITNESS: That's not an analysis I -- I</p> <p>18 did. And I certainly don't have enough information</p> <p>19 regarding all of the system attributes I'd need to --</p> <p>20 to do that analysis. 15:11:03</p> <p>21 BY MR. MARTON:</p> <p>22 Q. So it may, or it may not be?</p> <p>23 (Cross talk.)</p> <p>24 MR. ACOSTA: Objection. Form.</p> <p>25 THE WITNESS: You haven't given me enough 15:11:10</p> <p style="text-align: right;">Page 119</p>   | <p>1 MR. ACOSTA: Objection. Form. 15:12:20</p> <p>2 THE WITNESS: I'm missing in this ill-defined</p> <p>3 hypothetical how the X -- that -- what the relationship</p> <p>4 is between this ASCII code and the toolbar at the time</p> <p>5 of this storing securely the account information. 15:12:37</p> <p>6 BY MR. MARTON:</p> <p>7 Q. There's no relationship between the ASCII code and</p> <p>8 the toolbar.</p> <p>9 It's just a password could be typed in to decrypt</p> <p>10 my account information. 15:12:52</p> <p>11 Has it been securely stored?</p> <p>12 MR. ACOSTA: Objection. Form.</p> <p>13 BY MR. MARTON:</p> <p>14 Q. Three-ASCII-character password could be used to</p> <p>15 decrypt and access my account information? 15:13:03</p> <p>16 (Cross talk.)</p> <p>17 MR. ACOSTA: Objection. Form. Objection --</p> <p>18 THE WITNESS: I'm not -- I'm not</p> <p>19 understanding your hypothetical, because the storing is</p> <p>20 at the toolbar. When you say that -- 15:13:14</p> <p>21 BY MR. MARTON:</p> <p>22 Q. Fine. Then how about this?</p> <p>23 A. -- there is no relationship between the --</p> <p>24 Q. How about this? How about this? How about this?</p> <p>25 Let's -- let's -- we're low on time, and I -- I 15:13:20</p> <p style="text-align: right;">Page 121</p>   |

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|---|---|
| <p>1 understand that to encrypt or decrypt can be done 16:40:32<br/>2 asymmetrically or symmetrically.<br/>3 But Dr. Jakobsson indicated that in his background<br/>4 section.<br/>5 Q. Okay. 16:40:44<br/>6 A. The example that's shown here uses a public key,<br/>7 which, even though it's not explicit, throughout the<br/>8 discretion, and the claims don't all require a private<br/>9 key, you know, one would infer from that, that you<br/>10 could use a public and a private key, which would be 16:41:02<br/>11 asymmetric.<br/>12 And then one would also infer from this that you<br/>13 could certainly use symmetric -- I'm not sure where.<br/>14 To me, it's -- it's -- I guess it's pretty obvious.<br/>15 These symmetric or asymmetric -- I'm not sure where 16:41:22<br/>16 that came up with, as a concern.<br/>17 It's not in any of the claims.<br/>18 MR. MARTON: Okay. Thank you for your time<br/>19 today. I have no further questions.<br/>20 THE WITNESS: You're welcome. 16:41:34<br/>21 THE VIDEOGRAPHER: All right. I'll take us<br/>22 off the record.<br/>23 So the time is now 12 -- sorry -- 4:42 p.m. This<br/>24 concludes today's testimony given by Jose Meléndez.<br/>25 The total number of media used was four, and will 16:41:51<br/>Page 166</p> | <p>1 I, the undersigned, a Certified<br/>2 Shorthand Reporter of the State of California, do<br/>3 hereby certify:<br/>4 That the foregoing proceedings were taken before<br/>5 me at the time and place herein set forth; that any<br/>6 witnesses in the foregoing proceedings, prior to<br/>7 testifying, were placed under oath; that a verbatim<br/>8 record of the proceedings was made by me using machine<br/>9 shorthand which was thereafter transcribed under my<br/>10 direction; further, that the foregoing is an accurate<br/>11 transcription thereof.<br/>12 I further certify that I am neither financially<br/>13 interested in the action nor a relative or employee of<br/>14 any attorney or any of the parties.<br/>15 IN WITNESS WHEREOF, I have this date subscribed my<br/>16 name.<br/>17<br/>18 Dated: February 22, 2023<br/>19<br/>20<br/>21 <br/>22<br/>23 LYDIA ZINN, RPR, FCRR<br/>24 CSR No. 9223<br/>25<br/>Page 168</p>  |
| <p>1 be retained by Veritext. Thank you, everybody. 16:41:55<br/>2 MR. MARTON: Thanks.<br/>3 MR. ACOSTA: Thank you.<br/>4 (Time noted: 4:42 p.m.)<br/>5<br/>6<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25<br/>Page 167</p>  | <p>1 Ryan Marton, Esq<br/>2 ryan@martonribara.com<br/>3 February 22, 2023<br/>4 RE: Zoho Corporation vs Liberty Peak Ventures, LLC<br/>5 2/20/2023, JOSÉ LUIS MELÉNDEZ, PH.D., JOB NO. 5771887<br/>6 The above-referenced transcript has been<br/>7 completed by Veritext Legal Solutions and<br/>8 review of the transcript is being handled as follows:<br/>9 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext<br/>10 to schedule a time to review the original transcript at<br/>11 a Veritext office.<br/>12 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF<br/>13 Transcript - The witness should review the transcript and<br/>14 make any necessary corrections on the errata pages included<br/>15 below, notating the page and line number of the corrections.<br/>16 The witness should then sign and date the errata and penalty<br/>17 of perjury pages and return the completed pages to all<br/>18 appearing counsel within the period of time determined at<br/>19 the deposition or provided by the Code of Civil Procedure.<br/>20 __ Waiving the CA Code of Civil Procedure per Stipulation of<br/>21 Counsel - Original transcript to be released for signature<br/>22 as determined at the deposition.<br/>23 __ Signature Waived – Reading &amp; Signature was waived at the<br/>24 time of the deposition.<br/>25<br/>Page 169</p> |